

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of the Wisconsin Central Ltd. for the Closure of the Public Crossings of Its Tracks with Tamarack Street and Prairie Street and for a Determination of the Adequacy of Warning Devices at the Grade Crossings of Wood Street and Park Street in the City of Stevens Point, Portage County

9164-RX-529

**Final Decision**

By letter dated August 12, 2003, the Wisconsin Central Ltd. (WCL or Railroad) filed a petition with the Office of the Commissioner of Railroads (OCR) under §§195.28 and 195.29, Stats., for the closure of the public crossings of its tracks with Tamarack Street (crossing no. 692 551S / MP 249.48) and Prairie Street (crossing no. 692 549R / MP 249.28) in the City of Stevens Point, Portage County.

The WCL also petitioned for a determination under §195.28, Stats., of the adequacy of warning devices at the grade crossings of its tracks with Wood Street (crossing no. 692 550K / MP 249.35) and Park Street (crossing no. 692 549R / MP 249.28) in the City of Stevens Point, Portage County. The Prairie Street and Park Street crossings have the same crossing number because the streets intersect at the tracks.

Pursuant to due notice, public hearing was held in this matter on October 22 and 23, 2003 and continued on January 8, 2004, in Stevens Point, Wisconsin with hearing examiner David J. Meier presiding. At hearing herein, the WCL brought a motion, which was granted, to withdraw its petition to close the Park/Prairie Street crossing. All issues with respect to the crossing at Tamarack Street were disposed of in a separate order from this Office entered on October 26, 2004. Finally, a status conference was held regarding the remaining issues in this proceeding, also at Stevens Point, on October 20, 2005. At that status conference there appeared to be consensus as to the terms of the order proposed below.

Appearances:

Parties

Wisconsin Central, Ltd.  
by  
Michael J. Barron  
17641 S. Ashland Avenue  
Homewood, Illinois 60430 – 1345

Wisconsin Central Ltd.

by  
Terry Lee, PE  
Engineer Planning  
1625 Depot Street  
Stevens Point, Wisconsin 54481

The City of Stevens Point  
By  
Mayor Gary W. Wescott  
1515 Strong's Avenue  
Stevens Point, Wisconsin 54481

## FINDINGS OF FACT

The Railroad has, since the commencement of this proceeding, modified its tracks in the City of Stevens Point to provide for a passing track through its station and yards which lie immediately east of the subject crossings. The modification is part of a systemic upgrade to improve the capacity on that Railroad to more expeditiously move freight in and through the state of Wisconsin. As a result of the changes made by the Railroad, it is able to pass about 12 trains per day, of the approximate 30 per day using the crossing, through the City without stopping in the yards. Additionally, the Railroad has been thus able to increase its timetable speed in the City from 20 miles per hour to 40 miles per hour. Therefore, these 12 trains would be traveling at as much as 40 miles per hour. This has greatly reduced the bottleneck effect which existed in the City of Stevens Point and has substantially increased the WCL system capacity. These improvements are of great value to the Railroad. But, the high number of trains and the increased train speeds contribute significantly to the risk to the traveling public at the Park/ Prairie Street crossing and at the Wood Street crossing.

The Park/Prairie Street crossing is referred to as a single crossing in the records of the Federal Railroad Administration and of this Office. However, at present, Park Street and Prairie Streets approach each other at a 90 degree angle with their point of convergence being directly on the WCL right-of-way. There are, therefore, four approaches to the crossing. Drivers on any of these approaches must direct their attention to vehicles approaching the intersection from three other directions. This necessity distracts from their ability to adequately observe for trains approaching the same intersection on the tracks. The safety of the traveling public, therefore, requires that this crossing be altered to provide for not more than two approaches to the tracks.

To their credit, both the City of Stevens Point and the WCL have recognized the need for alteration of the Park/Prairie Street crossing. The WCL has agreed with the City to make a substantial contribution to the City to offset a part of the cost of alteration of the crossing. The City has designed a new crossing and has submitted its plan for the alteration of the crossing to this Office. That plan is accepted into the record with the consent of WCL. It is found to be a reasonable plan, is attached hereto as Exhibit 1 and is incorporated herein by reference. Implicit in this plan, but not explicitly shown, is the termination of the approach to the tracks of Prairie Street from the south. This termination, with the provision by the City of a cul-de-sac is found to be reasonable, as well, and will form a part of this order.

The doubling of potential train speeds through the crossing exacerbates the danger to the traveling public. These same train speeds also impose higher risk to the public at the Wood Street crossing which lies 369 feet to the west.

The present warning devices at the Park/Prairie Street crossing and at the Wood Street crossing are stop signs and crossbucks. These warning devices are not adequate. In order to adequately protect public safety, gates, lights and constant warning time circuitry are required at both crossings.

In summary, the alteration as proposed of the crossing at-grade of the Wisconsin Central Ltd. tracks with Prairie/Park Street is in the best interests of and will promote the safety of the traveling public when coupled with the installation of gates, lights and constant warning time circuitry at this and the Wood Street crossing.

#### FINDINGS OF ULTIMATE FACT

1. That the closure of the southerly approach of Prairie Street to the crossing at-grade of the WCL tracks by Prairie/Park Street in the City of Stevens Point, Portage County and the alteration of that crossing as depicted in Exhibit 1 will promote public safety and convenience.

2. That it is reasonable, in light of the contribution that the WCL has agreed to make to the City of Portage, that the City bear the cost to close the southerly approach of Prairie Street to the Park/Prairie Street crossing, including the construction of a cul-de-sac, and the construction of the altered Prairie/ Park Street crossing as depicted on Exhibit 1, attached hereto.

3. That the safety of the traveling public at the altered crossing at grade of the WCL tracks with Prairie/Park Street and the crossing at grade of the same tracks with Wood street, all in the City of Stevens Point, Portage County, requires the installation at those crossings of automatic flashing lights with gates and constant warning time circuitry. That it is reasonable that such equipment be installed using federal and state safety funds for the purpose and requiring no local contribution.

#### CONCLUSION OF LAW

That the jurisdiction of the Office of the Commissioner of Railroads under §§195.28 and 195.29, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

#### ORDER

1. That the proposed alteration of the **Prairie/Park Street** crossing as represented in Exhibit 1 attached hereto be and hereby is approved. The **City of Stevens Point** shall perform such alterations to the approaches to the crossing, together with the installation of a cul-de-sac on the southerly approach of Prairie Street to the crossing, at its own expense by **December 1, 2006**.

2. That **Wisconsin Central Ltd.** shall, as part of the alteration of the **Prairie/Park Street** crossing, and at its own expense, construct and maintain a crossing of the tracks by **December 1, 2006**.

3. That **Wisconsin Central Ltd.** shall install and maintain 12" LED automatic flashing lights with gates and constant warning time circuitry with appropriate appurtenances in accordance with such plans are filed with and approved by the Office of the Commissioner of Railroads at the crossing of its tracks, as altered, with **Prairie/Park Street** (crossing No. 692 549R) and also at the crossing of its tracks with Wood Street (crossing No. 692 550K) in the City of Stevens Point, Portage County by **December 1, 2006**. The OCR will use safety funds to pay the cost for the equipment and its installation at both crossings. The city of Stevens Point will not be required to contribute any local matching funds.

4. That with regard to signal installations at both such crossings, Wisconsin Central Ltd. shall submit to the Office of the Commissioner of Railroads signal and circuit plans with cost estimates for the installations and, upon completion of the signal projects, a detailed statement of the actual cost thereof to the Office and to the Wisconsin Department of Transportation.

5. That the signal work herein ordered shall not begin until the district office of the Wisconsin Department of Transportation informs Wisconsin Central Ltd. that they may start such work and such start notice will not be issued until appropriate federal aid or other funding arrangements have been assured. The cost of part of the signaling initiated before the start notice will not be reimbursed with public funds and shall be the responsibility of Wisconsin Central Ltd.

6. That jurisdiction is retained.

Dated at Madison, Wisconsin this 19th day of April, 2006.

By the Office of the Commissioner of Railroads.

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Rodney W. Kreunen, Commissioner